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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,607	08/30/1999	WILLIAM M. PARROTT	008193-20001	9412

25694 7590 03/24/2005
INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA, CA 95056-5326

EXAMINER

CALLAHAN, PAUL E

ART UNIT PAPER NUMBER

2137

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HIL

Office Action Summary

Application No.

09/385,607

Applicant(s)

PARROTT, WILLIAM M.

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-21 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 2-17-05 have been fully considered but they are not persuasive.

The applicant argues in traverse of the objections to the drawings under 37 CFR 1.83(a) stated in the previous Office Action by asserting that the text contained in item 44 of fig. 2 is a complete description of the features found in claims 1 and 11. The Examiner counters that the figure does not depict the limitations relating to the indicia of claims 1 and 11, nor does the specification describe this figure element in a manner so as to indicate that it does.

The applicant argues in traverse of the objections to the drawings for informality under, stating: "37 CFR Sec. 1.121(d) is not a proper basis for objecting to original drawing figures". The Examiner counters by noting that the objection to the drawings was not made under 37 CFR 1.121(d). The Office Action objected to the drawings as informal, pointed out the points of informality, and then made a requirement that new, corrected drawings must be submitted that are in compliance with 37 CFR 1.121(d). The Applicant's attention is called to 37 CFR 1.84 (l),(p)(1,3) for a review of the "Standards for Drawings" under which the objection was made.

The Examiner counters the applicant's traverse of the objection to the specification by noting that the objection was based on the absence of a description of the new limitations found in Claims 1 and 11 of "...the graphics data comprising an image of at least one of a credit card, a signature, or an account holder. The objection was not based on the passage cited by the applicant in his traverse. The Examiner maintains that there is not support in the specification for a claim limitation that specifies graphic data that comprises only a signature, or only an image of an account holder, or that comprises only images of a signature and an account holder together.

The Applicant argues in traverse of the rejections of the claims under 35 USC 112 first paragraph by noting that "simply because the disclosure discusses an example embodiment where these various image information may be used for authentication purposes as a combination, it does not mean the skilled artisan would not recognize each could be alternatively be used individually. The Examiner counters by first noting that the applicant, in seeking the grant of a US Patent on claims 1 and 11, is relying on the asserted novelty and uniqueness, or non-obviousness of these claim limitations. The applicant's admission now that the use of these types of image data individually is a step that is old and well known in the art in fact argues against the patentability of the claims. The Examiner counters by noting secondly, that the 30 year-old case citation does not preempt the written description requirements of 35 USC 112 1st Para. and that the claimed features of claims 1 and 11 previously noted are indeed not found in the specification.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indicia found in claims 1 and 11 must be shown in element 32 of fig. 1, and in element 44 of fig. 2. The features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the numbering of the items in figs. 1-3 is hand drawn and informal and fails to comply with 37 CFR 1.121(d). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because it does not describe the particular indicia found in independent claims 1 and 11. Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the Summary of The Invention Section does not describe the invention as now claimed. Appropriate correction is required.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Secure Transaction Modem Storing a Unique Indicia.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 11 contain the limitation: "...the graphics data comprising an image of at least one of a credit card, a signature, or an account holder. There is not support in the specification for a claim limitation that specifies graphic data that comprises only a signature, or only an image of an account holder, or that comprises only images of a signature and an account holder together. The Specification on pages 13-14 only describes a .pdf file containing an image of a credit card, preferably with a picture of an account holder and an image of an account holder's signature. The applicant may wish to amend the claim to incorporate this combination of features as a limitation.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patent documents teach systems of modem-based identification and authentication similar to that of the applicant:

US 4,430,728 Beitel et al.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone

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number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

3-18-05

Paul Callahan

Andrew Caldwell

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER